

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENN ENGINEERING &
MANUFACTURING CORP.
Plaintiff

v.

PENINSULA COMPONENTS, INC.
Defendant

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CIVIL ACTION

No. 19-513

ORDER

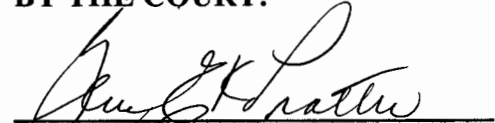
AND NOW, this 3rd day of January, 2020, upon consideration of the parties' discovery motions (Doc. Nos. 26, 27, 28, 36, 38, 39), oppositions (Doc. Nos. 29, 30, 31, 40), motions to seal (Doc. Nos. 41, 44, 48, 55, 57, 60), Plaintiff's unopposed motion for extension of time to file a sur-reply (Doc. No. 62), the parties' joint statement regarding the outstanding discovery issues (Doc. No. 65), and the Court having conducted oral argument on the motions on January 3, 2020, it is **ORDERED:**

- The motions to compel (Doc. Nos. 38 & 39) are **DEEMED MOOT**.
- Defendant's motion to compel (Doc. No. 26) is **GRANTED IN PART, DENIED IN PART**, and **RESERVED IN PART**, as set forth on the record and as follows:
 - With respect to RFP No. 16, Plaintiff shall have until January 15, 2020 to serve a log of the documents, as set forth on the record, and shall file a copy of the log with the Court by that date. Defendant shall file a response by no later than January 20, 2020. The Court reserves ruling on the motion with respect to only this dispute.
 - With respect to RFP Nos. 3, 4, 10, Plaintiff shall produce documents reflecting the origins of the summary material already produced by January 15, 2020.

- With respect to RFP No. 17, as to the Double Square Mark ending in '061, the Plaintiff shall produce a sample of sales from the year 2008 forward.
 - With respect to RFP Nos. 7 & 24, the motion is denied. To the extent Plaintiff has already produced responsive documents or asserts that there are no such documents, Plaintiff shall so certify, if it has not already done so.
- Plaintiff's motion to compel (Doc. No. 27) is **GRANTED**.
 - With respect to the dispute on the format of the documents, the motion is granted, in accordance with the Court's previous oral Order given on November 13, 2019, and the parties shall make a good faith effort to cooperate on this issue.
 - With respect to the request for one month to file a damages expert report, Plaintiff shall file such a report by no later than February 7, 2020.
- Plaintiff's motion for an extension of time (Doc. No. 28) is **GRANTED**, and Plaintiff shall file its supplemental report(s) by February 7, 2020.
- Plaintiff's motion for a protective order (Doc. No. 36) is **GRANTED IN PART** and **DENIED IN PART**. Defendant is permitted to inquire into the 11/22/19 chart with greater detail only with respect to the last five years, as set forth on the record. The motion is denied with respect to the functionality issue.
- The parties' sealing motions (Doc. Nos. 41, 44, 48, 55, 57, 60) are **DEEMED MOOT**. The parties shall meet and confer and submit, by no later than January 17, 2020, renewed motions to seal with greater specificity, as set forth on the record. The Clerk of Court is directed to continue the temporary sealing of the documents that are the subject of these motions until further Order of the Court.

- Plaintiff's motion to file a supplemental sur-reply (Doc. No. 62) is **GRANTED**.

BY THE COURT:



GENE E.K. PRATTER
United States District Judge